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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,697	01/27/2004	Robert Frederick	120137.481	2064
500 7590 11/05/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER SHAH, AMEE A	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/766,697

Applicant(s)

FREDERICK ET AL.

Examiner

Amee A. Shah

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) Amee A. Shah.

(3) James White.

(2) Yogesh Garg.

(4) \_\_\_\_\_.

Date of Interview: 01 November 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: n/a.

Identification of prior art discussed: Hazzard.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
YOGESH C. GARG  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if and agreement was reached, or any other comments: Examiners and Mr. White discussed whether declaration of Mr. White was sufficient to show diligence. The Examiners' opinion was that a specific date must be stated to establish diligence prior to the critical date of December 9, 2003. This opinion was based on MPEP §§715.07 and 2138.06 which state that specific dates to establish diligence are required and that applicant must account for the entire period during which diligence is required. Mr. White disagreed and believed that merely stating diligence began prior to the critical date was sufficient. No agreement was reached.

**Applicant Initiated Interview Request Form**Application No.: 10/766,697First Named Applicant: Robert FrederickExaminer: Amee A. ShahArt Unit: 3625Status of Application: final Office  
Action issued August 3, 2007**Tentative Participants:**(1) James A. D. White(2) Examiner Amee A. Shah(3) PE Yogesh Garg

(4) \_\_\_\_\_

Proposed Date of Interview: 11/1/2007Proposed Time: 1:00PM EST**Type of Interview Requested:**(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☐ YES☒ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rule 131 Declaration</u>	_____	<u>Hazzard</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached**Brief Description of Arguments to be Presented:**

Whether the Rule 131 Declaration demonstrates diligence with respect to swearing behind the Hazzard reference. See attached information for additional background information.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01). This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.33(b)) as soon as possible:



Applicant/Applicant's Representative Signature

James A. D. White

Typed/Printed Name of Applicant or Representative

43,985

Registration Number, if applicable

  
(Examiner/SPE Signature)YOGESH C. GARG  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.